A. STATE-AT-A-GLANCE

1)	Program Operation	State Administered: 4 Regional Field Offices, 1 Interstate responding office.
2)	Number of Local Offices (excluding Agencies under Cooperative Agreements)	None
3)	Type of Agencies with Cooperative Agreements	1-Missoula County
4)	Uniform Interstate Family Support Act	Yes, except direct withholding
5)	Agreements With Tribal Entities	No
6)	Age of Majority for Termination of Support	MCA 40-4-208(5). 18 or upon graduation from high school, whichever is later, but no later than 19, unless court order provides otherwise.
7)	Statutes of Limitation:	
	• Collection of Past Due Support	MCA 27-2-201. 10 years for child support due prior to or on 10/1/93; 10 years from termination of obligation thereafter.
	• Paternity Establishment	MCA 40-6-108. Child's 18th birthday.
	Dormancy Revival/Renewal Possible [yes/no]	Yes
8)	Guidelines	Modified Melson
9)	Interest Rates on	Missed Payments, Retroactive Support, Adjudicated Arrearage - MCA 40-5-252, 25-9-205. May collect interest at the statutory rate payable on judgments (10%). Note: At the present time, Montana does not collect interest.
	• Missed Payments	
	• Retroactive Support	
	Adjudicated Arrearage	
10)	Arrearage Collections for Non- minor Child(ren)	See Montana Code Annotated (MCA) 27-2-201 (10 years after termination of the support obligation for commencement of an action for collection of past-due support; each monthly support obligation constitutes a judgment and the 10 year statute of limitations begins to run the month the payment becomes due)

16)	Long-Arm Statute/s Citation/s	MCA 40-5-145, 40-5-146 (UIFSA), 40-5-231.
17)	Automated Locate Resources	The following are automatic interfaces: Employment Security Wages, Worker's Compensation, State Fund, Drivers License, Job Service, Unemployment Insurance, TEAMS or the IV-A system, Montana State Revenue/Income Tax Division, Department of Corrections. The following can be accessed automatically but are not automatically generated interfaces: Montana Medicaid, Foster Care system or CAPS, Secretary of State/UCC, Fish Wildlife and Parks, Department of Justice/vehicle registrations, SSA, Credit Bureaus, and FPLS.
18)	Enforcement Options	
	State Income Tax Refund Intercept	Yes. MCA 17-4-105
	• License Revocation/ Suspension	Yes. MCA 40-5-701 et seq.
	• Administrative Liens	Yes. MCA 40-5-242, 40-5-248
	• Property Seizure & Sale	Yes, MCA 40-5-247, 40-5-248
	State Funds/Benefits (please specify)	Unemployment, Worker's Compensation
	• Other (please specify)	Bank accounts, lottery winnings, claims against estate, lien on legal settlements, contempt citations, federal income tax offset, credit bureau reporting.
19)	Spousal Maintenance Orders (specify yes or no)	
	• Establish	No
	• Enforce	Yes, when the judgment contains a child support award. MCA 40-5-207.
	• Modify	No
20)	Current Spouse/Partner Information Required	

B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1) State Code Citation	Montana Code Annotated Title 40, Chapter 5, Part 1.
2	Effective Date	October 1, 1993
3	Adopted Verbatim? If no, list differences.	No. Did not adopt direct employer withholding

4)	Repeal URESA?	Yes
5)	Repeal IWW?	

C. INCOME WITHHOLDING

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1)	Income Withholding Terminology	Income Withholding, once commenced, applies to all current and subsequent payors of income to a person obligated to pay support until the Income Withholding is terminated.
2)	Income Withholding Procedures	
	State Withholding Limits	MCA 40-5-416, 25-13-614. 50-65% of disposable earnings depending on circumstances. Per policy, Montana sends all orders out using 50%.
	• Fee Charged by Employers	Payor may withhold a fee not to exceed \$5.00 per month as compensation for administrative costs of each withholding.
	Date to Remit	The payor shall, within 10 working days of the date obligor is paid, promptly deliver the amount withheld.
	• Penalty	MCA 40-5-424, 40-5-226. Employer liable for amounts that should have been withheld. May also pursue civil contempt which carries a fine of up to \$500 for each contempt.
3)	Definition of Employer	MCA 40-5-403(6). Payor means any payor of income on a periodic basis and includes any person, firm, corporation, association, employer, trust, political subdivision, state agency or agent thereof, subject to jurisdiction of Montana Courts.
4)	Included Income	MCA 40-5-403(3). Any form of periodic payment to a person, including earnings and wages (even if once per year). Includes rent paid by home/business renters, dividends, etc., as well as usual intercepts (wages, unemployment, workers' compensation benefits).
5)	Excluded Income	MCA 40-5-403(3). Amounts required by law to be withheld (taxes, etc.) and amounts exempted from judgment, execution, or attachment.
6)	Direct Income Withholding for Unemployment Compensation, include address	No. Direct income withholding is not authorized under UIFSA. A proper referral will allow Montana CSED to income withhold unemployment compensation.
7)	Direct Income for Workers' Compensation, include address	No. Direct income withholding is not authorized under UIFSA. A proper referral will allow Montana CSED to income withhold worker's compensation benefits.
8)	Direct Income Withholding, other income sources subject to, include address	No. Direct income withholding is not authorized under UIFSA. A proper referral will allow Montana CSED to income withhold other income sources.

9)	Direct Income Withholding, list Other Income Sources NOT subject to	NO
10)	Federal Withholding (See Federal Pay Agents Section)	IV-D Directors need not answer this question.
11)	Procedures for Contesting Income Withholding	Yes. MCA 40-5-413, 414. Have right to request hearing to object on basis of mistake of fact within 10 days of notice. Hearings conducted by phone. The entire process must be completed within 45 days.
12)	Arrearages through Income Withholding	Yes. MCA 40-5-412. If delinquent in an amount equal to or in excess of one month's support payment.
13)	Enforcing Against Non-Resident Obligor Asset/Income	Yes
14)	Exception to Immediate Withholding	Yes. MCA 40-5-411. Written determination and explanation by court or administrative authority as to why it found good cause not to require and must provide an alternative arrangement to ensure payment.
15)	Multiple Obligations Withholding Priorities	
	• Policy	
	• Priority	Child support income withholding orders take precedence over any other law or court order.
	• Assistance	Customer Service, Monday thru Friday 8-5, MST. In-state 1-800-346-5437, Out-of-state (406) 442-7278
	• Allocation	Current only unless order specifically requires withholding for arrears, then AFDC arrears and next Non-AFDC arrears.

D. PATERNITY

	CSED serves alleged father with notice of parental responsibility. In single-allegation cases CSED attempts to obtain alleged father's signed admission of paternity; in contested or multiple-allegation cases, CSED seeks alleged father's participation in genetic testing, and pursues admission upon receipt of positive testing results. If necessary CSED can order genetic testing based on reasonable probability of sexual access or presumption; CSED conducts testing or coordinates arrangements with initiating state. CSED establishes paternity administratively (1) in single-allegation cases by default order, consent order, or presumption; (2) in multiple-allegation cases with positive testing results, by consent order or presumption.
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	Consent Orders Obtained	Yes
2)	Uniform Parentage Act	Yes. MCA Title 40, Chapter 6, Part 1
3)	Uniform Act on Blood Testing	Yes
4)	Parentage Order Available Without Order for Support	MCA 40-6-116(b). No, unless financial responsibility being determined by administrative procedure.
5)	Custody/Visitation Addressed Subject to Tribunal's Jurisdiction	No
6)	Genetic Test Results as Presumption of Paternity	Yes
	Threshold	95%
7)	Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)	MCA 40-6-105(3). Rebuttable by preponderance of evidence.
8)	Marriage as Presumption of Paternity	Yes, if child born during the marriage or within 300 days after marriage terminated
9)	Putative Father's Name on Birth Certificate, Effect of	Not a presumption unless name appears with alleged father's consent and child's birth is followed by marriage or attempted marriage (CSED generally does not pursue this presumption)
		MCA 40-6-105. Cannot be put on birth certificate without written acknowledgment or order of court or administrative law judge.
10)	Other Statutory Presumptions	1. There is a written voluntary promise or court order obligating the alleged father to support the child, and the child's birth is followed by marriage or attempted marriage.
		2. The alleged father receives the child into his home and openly represents the child to be his natural child.
		3. Before the birth of the child the alleged father claims paternity under oath and in writing and files the claim with the district court, and the mother does not deny he is the father.
		MCA 40-6-105. Putative father receives child into his home and represents him as natural child while child under age of majority.
11)	Recognition of Common Law Marriage	MCA 40-1-403, 404. Yes, if hold out to public as husband and wife.
12)	Personal Appearance of Witness or Custodial Parent Required	MCA 40-5-414. No, hearings conducted via telephone.

	Acceptable Methods of Testimony	Telephone. May require personal appearance if case requires jury trial.
13)	Long-Arm Statute	Yes. MCA 40-6-109.
14)	Assistance to Other States Using Their Long-Arm Statutes	
	• Service of Process	No. Without a proper referral the case is considered Non-IV-D. If requested, the service of process could be directed to a process server.
	Genetic Testing	No. Facilities in this state are not available.
15)	Recovery of Genetic Testing Costs for Other States	Yes. If a proper referral is received and recovery is requested. No, if a proper referral is not received. The matter would be considered non-IV-D.

E. SUPPORT ORDER ESTABLISHMENT

1)	Interstate Procedures	Administrative Process; Handled same as in state cases. In the absence of a support order a Notice of Financial Responsibility is served by Personal Service with 20 days to respond; Default if no request for hearing; Decision and Orders are abstracted to District Court; Use mandatory support guidelines; In contested cases, obligee must participate in hearing via telephone to determine support obligation.
2)	Income Considered for Setting Support	Father's gross/net income and assets; Mother's gross/net income and assets; Income received from all sourcesincluding but not limited to incomes from salaries, wages, commissions, bonuses, social security benefits other than SSI, veteran's benefits, workers' compensation benefits, unemployment benefits and alimony or spousal support; interest; trust income, annuities, capital gains and royalties; in kind payments such as the use of a company vehicle. Self employment includes gross receipt minus ordinary and necessary expenses for operating a business or self-employment. See ARM 46.30.1508 Determination of Gross Income. Income is imputed by considering health, education and work history to determine income that a parent is capable of earning; (at least minimum wage at 40 hours per week) See ARM 46.30.1513 Determination of Imputed Income; Also, considered are special medical needs of the child; cost of providing health insurance for the child; age of child; household size of both mother and father.
3)	Criteria for Rebuttal	Evidence that a child's needs are not being met; a showing that application of the guidelines would be unfair for the child or one of the parties; any consideration of a variance must take into account the best interests of the child; If a support order is not based on the guidelines the Administrative Law Judge must

		include language in the order why the guidelines are not appropriate. See MCA 40-5-226 (5)
4)	Support Order for Prior Periods	Generally no. The obligation commences on the first day of the month immediately following the month in which the notice was issued. For paternity issues see elsewhere.

F. ENFORCEMENT

(Note: If multiple orders, see Part "G")

I. ENFORCING YOUR OWN ORDER

1)	Enforcement for Non-Resident Family	Same as for Resident Family
2)	Administrative Procedures and Remedies Available	Yes
3)	Judicial Procedures and Remedies Available with Registration	Yes. MCA 40-5-227.

II. ENFORCING OTHER STATES' ORDERS

4)	Administrative Procedures and Remedies Available Without Registration	All remedies are available except reviews for modifications.
5)	Judicial/Administrative Remedies with Registration	Registration for enforcement and modification.
6)	UIFSA/URESA Registration and Enforcement Procedure	Orders can be registered under UIFSA for enforcement only
7)	Judicial Procedures Required after Registration	None
8)	Uniform Enforcement of Foreign Judgments Act Citation	MCA 25-9-501, et seq.

G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1)	Jurisdiction Requirements	a) CEJ analysis per UIFSA
		and

b) Subject matter and personal jurisdiction over the necessary
parties under MCA §40-5-272.

2) Modification Procedures

The CSED will, upon request of the obligor or obligee in any open IV-D case where there is a support order and at 36 month intervals in AFDC cases where there is a support order, evaluate the case for possible modification. MT CSED will review orders for modification of the support amount, for medical support, and to provide credit to the obligor for social security payments made to the child(ren) because of the obligor's disability. Modifications may be for either increases or decreases in the child support amount. Administrative and court orders issued by other states will be reviewed only if the CSED can obtain subject matter jurisdiction under UIFSA and personal jurisdiction over all necessary parties. IV-D caseworkers (in Montana and other states) may request modification reviews in most AFDC cases, and in Non-AFDC cases where enforcement activities are difficult or cumbersome to administer.

The MT CSED relies on an administrative process for modifying support and health insurance orders. If a case is determined eligible for review, both parties must be served notice of the review and financial information from both parties is used in calculating the support obligation.

There are three stages to the CSED administrative modification process. At the first stage, a preliminary guidelines computation is performed using information from the parties' financial affidavits and copies of tax forms. The parties are then contacted separately by phone in an attempt to obtain their agreement concerning the support amount. If an agreement is reached, a Modification Consent Order (MCO) is prepared and mailed to the parties for their signatures. A party's failure to respond with a signed MCO is deemed to be a consent by the party to the provisions of the MCO, unless the party requests arbitration.

The second stage of the process is initiated by a request for arbitration from either party. A pre-hearing settlement conference is conducted by telephone conference call after exhibits have been exchanged between the parties. If the parties reach agreement, a Modification Decision and Order is entered reflecting the agreement. Should the parties fail to reach agreement, a Notice of Proposed Modification is issued by the CSED and the parties have 30 days to challenge the decision. Failure to challenge results in a final administrative order.

Either party may challenge the Notice of Proposed Modification by requesting an administrative hearing and initiating the third stage of the process. At the conclusion of the administrative hearing, an order representing the CSED's final decision is entered by the Administrative Law Judge.

3)	Criteria for Modification	a)	The amount of the monthly child support obligation in the current order does not conform to the Montana Child Support Guidelines;
		b)	The current order does not require the obligor to get and keep health insurance for the child(ren); or
		c)	The current order does not provide credit toward child support for social security benefits paid to the child(ren) because of the obligor's disability.
4)	Criteria for Change of Circumstances	a)	Net income of one of the parents has increased or decreased by 25% or more;
		b)	Household composition of one of the parents has changed;
		c)	Change in custody/extended visitation (over 110 days/year);
		d)	One or more of the children have emancipated, reached the age of majority, or died;
		e)	A child was born to the parents after entry of the previous order;
		f)	The obligor has become disabled or rehabilitated since the previous order was entered. Social Security benefits to the children have begun or ended as a result of the disability;
		g)	one or more of the children have developed special needs since the order was entered, or special needs considered in the order no longer exist; or
		h)	The previous order was set without reference to the guidelines.
5)	Frequency With Which Reviews	1)	AFDC cases - every 36 months
	are Conducted	2)	Non-AFDC cases - upon request of obligor or obligee where:
			a) 30 months have lapsed since last order was entered or modified; or
			b) a significant change in circumstances has occurred.
6)	Criteria for Review	1)	AFDC cases
			- 36 months have lapsed since last order was entered or modified;
		2)	Non-AFDC cases
			- Review requested by a party named in the order;
			- 30 months have lapsed since last order was entered or modified or requesting party can

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		demonstrate a significant change in circumstances;
	3)	All IV-D cases must also meet the following criteria:
		- There is an open CSED case associated with the order;
		There is a support order as defined in MCA §40-5-201(14);
		- The youngest child affected by the order will not be "emancipated" for at least 6 months;
		- The CSED has or can get jurisdiction over the support order;
	district	- No action for adjustment of the support order is pending in another state, or in a Montana court.
7) Criteria for Adjustment	1)	The support obligation resulting from the modification review must be an increase or decrease of at least \$25.00 per month;
	2)	The modified support order must include a requirement for the obligor to get and keep health insurance whenever it is available through employment or other group plan whenever this requirement is absent in the previous order;
	3)	The modified support order must provide credit to the obligor for social security benefits paid to the child(ren) because of the obligor's disability.

H. MULTIPLE ORDERS

ENFORCEMENT AND MODIFICATION

1)	Controlling Order	Under UIFSA provisions and for purposes of enforcement only CSED will require the initiating state to make a preliminary determination of which order to recognize and enforce prospectively. An initiating state may request arrears that have accrued under several orders, including URESA orders. If the initiating state requests prospective enforcement of the CEJ order even though it may not be the highest order, CSED will comply.	
2)	Date of Controlling Order	Enforcement only: Date of registration	
3)	If No Controlling Order	Enforcement only: CSED will generally register and enforce the highest order prospectively.	
4)	Arrears Procedure	Enforcement only: Determination of arrears that have accrued under multiple orders will occur at the time of registration and	

determination of which order sets the support obligation.

I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each document	Certification required for each document *See below
Establishment of Paternity and Support	A. A fully completed Child Support Enforcement Transmittal.		
	B. One 3 page URESA or UIFSA paternity affidavit an original notarized signature by the mother or third party custodian. If more than one possible father exists, an affidavit must be completed on each alleged father. A copy of any paternity questionnaire used by your state is requested but not required.		
	C. One copy of the child's birth certificate. If you have automated vital statistic records, information consistent to what is on a birth certificate is sufficient.		
	D. If presumption of paternity exists under your state statutes, an explanation and copy of the statute.		
	E. An affidavit from the custodial parent providing sufficient financial information for the determination of an ongoing support amount which includes household size (including room mates, significant others, any and all family members including spouses, parents, grandparents, children etc.), any and all earnings, past work history and amount(s) earned, education and support obligations owed to other children. If a parent is attending school, documentation of his/her enrollment is required. If the affidavit is not sufficient, our form will be forwarded to the state for the custodial parent to complete.		

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certification required for each document *See below
	F. Any employment, asset, or other relevant information known about the alleged father. Please include a physical description if available.		
Enforcement of Responding State's Order	A. A fully completed Child Support Enforcement Transmittal.		
	B. One CERTIFIED copy of the support and all modifications.		
	C. One CERTIFIED copy of any record of payment received. An affidavit of arrears from the custodial parent is required when the support order specified direct payments, or direct payments have been received.		
	D. A <u>monthly</u> computation of payment received and arrears accrued (can be combined with "C" into one document).		
	E. Any employment, asset, or other relevant information known to you about the absent parent. Please include a physical description.		
Modification of Responding States' Orders	Requests for modification must include a request for full enforcement services.		
	A. All documents required under "Enforcement of Responding State's Order"		
	B. A completed modification request and supporting documents.		
	The forms for requesting a review will be sent to		

ACTION REQUESTED	your office from the Modification Unit upon receiving a request for review.	# of Copies of each docu- ment	Certification required for each document *See below
Administrative Enforcement of Another States' Order	All documents required under "Enforcement of Responding States' Order"		
Registration for Enforcement of Another States' Order	All documents required under "Enforcement of Responding States' Order		
Collection of Arrearages in Multiple Orders	A. All documents required under "Enforcement of Responding States' Order		
	B. 1 Certified copies of all orders		
	C. If any orders are URESA orders and the order(s) has not been dismissed, documentation the order(s) have not been dismissed.		
	D. If any orders are URESA orders and an order has been dismissed, a copy of the dismissal.		
	All documents required under "Enforcement of Responding States' Order		
Uniform Enforcement of Foreign Judgments Act	THREE exemplified copies of the support order and modifications.		
Modification of Another State's Order	All documents required under "Modification of Responding States' Orders.		
Status Update on an Existing Interstate Case	Sufficient Information for CSED to identify the case consisting of at least the name of obligor and obligee. The social security number of at least one of the parties. Montana's case number and the other state's case number is also preferred.		
Assistance/Discovery	A. A fully completed Child Support Enforcement Transmittal providing the following information:		
	The request must include a specific person to serve documents on. Specific		

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certification required for each document *See below
	identifying information about the person and/or company such as: Name, Address, Social Security Number, Federal Employer ID number if known, any other unique identifying information is required. In the case of a corporation and a limited partnership, the name of the agent that is on file with the Secretary of State will be needed. B. Copies of discovery documents		
Quick Locate	Completed Locate Date Sheet		

^{*}A= Notarization by Notary Public; B= Certification by signature of agency official; C= Certification by signature of court official; D= Others (please specify); E= Certification not required

J. State Contact Chart

ASSISTANCE NEEDED	CONTACT
	Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	Customer Service Unit
	Phone: 1-800-406-442-7278
Central Registry	Customer Service Unit
	Phone: 1-800-406-442-7278
Interstate Policy Contact (if different)	Customer Service Unit
	Phone: 1-800-406-442-7278
Contact for Information Regarding Your States Long Arm Statute and Process	Customer Service Unit
	Phone: 1-800-406-442-7278
Contact for Information Regarding Collection and Distribution (State level)	Customer Service Unit
	Phone: 1-800-406-442-7278
Contact to Obtain Payment Records	Customer Service Unit
	Phone: 1-800-406-442-7278
Contact to Obtain Copy of Order	Customer Service Unit
	Phone: 1-800-406-442-7278
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no "case" in your State) for	Customer Service Unit
	Phone: 1-800-406-442-7278
· Service of Process	Customer Service Unit
(private process server? If so, list)	Phone: 1-800-406-442-7278
·. Genetic Testing	Customer Service Unit
(e.g. assistance with interstate	Phone: 1-800-406-442-7278
teleconferencing)	
New Hire Reporting Contact	Customer Service Unit
	Phone: 1-800-406-442-7278
Employer Assistance Contact	Customer Service Unit
	Phone: 1-800-406-442-7278

Telephone Number for Automated Interstate Case <i>Status</i> Requests (if any)	Customer Service Unit Phone: 1-800-406-442-7278
Telephone Number for Automated Interstate Case <i>Payment</i> Requests (if any)	Customer Service Unit Phone: 1-800-406-442-7278
Privatization Contact	Customer Service Unit Phone: 1-406-444-0924